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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Labour Department
LW/MW Cell
N. S. Building (12th Floor)
1, K. S. Roy Road, Kolkata-700 001

NOTIFICATION

No. I/663427 (1)/12/2025/LABR-25011(12)/3/2025

Whereas, the Governor was pleased to exempt the establishment namely M/s Bird jute & Exports Limited, Dhakindhari, P.O-Belgachia, Kolkata-700037, (WB/CAL/14) vide notification No. 425 LW/LW/1A-41/59 dated 21/01/1960 under Section 17(1)(a) of the Employees' Provident Fund And Miscellaneous Provisions Act, 1952 to M/s Lansdowne Jute Co. Ltd. Later the name of the establishment was changed to M/s Birds Jute & Exports Limited vide fresh certificate of Incorporation dated 17/12/1971.

Whereas, the establishment was declared closure vide Government of India, Ministry of lextile, Order no. 11/18/2014 Jute (Vol. III) dated 31/10/2018 as per Compliance Audit. Report for the year 2017-18 all the employees are retired and PF settlement completed.

Whereas, the PF and allied dues have been paid belatedly for April-2008, June 2008, July-2008, August-2008, September-2008, October-2008, November-2008, December-2008, January-2009, April-2009, May-2009, July-2009, September-2009, in violation of the Condition No-5 under para 27AA, of the EPF Scheme, 1952.

Whereas, the same auditor was appointed in two consecutive years i.e. for the period from 2009-2010 and 2010-2011 for the purpose of auditing of the Accounts of the BOT in violation of the Condition No.24C under para 27AA of the EPF Scheme, 1952.

Whereas, Rs 78557.02 is booked as UCD accounts as at 31/03/2012 having no action taken for settlement nor even the establishment and its BOT could furnish details of members to whom such account balance relates to and therefore, it attracts violation of the Condition no. 12 under Para 27AA of the EPF Scheme, 1952

Whereas, Rs. 142874.64 is booked as receivable from the establishment as at 31/03/2012 and by not remitting the same attracts violation of the Condition No.5 under Para 27AA, of the EPF Scheme, 1952.

Whereas, Minimum inspection charges have not been deposited in A/c No. 2 & A/C No. 22 from October 2011 which attracts violation of the Condition No. 26 under Para 27AA of the EPF Scheme, 1952.

Whereas, the Compliance in respect of Security personnel deployed at the site of the Mill has not been insured and guaranteed through ECR mode which attracts violation of the Condition No.3 under Para 27AA of the EPF Scheme, 1952.

Whereas, Rs. 258227.34 is booked as TDS receivable from the Income Tax Department as at 31/03/2012. No tangible action has been taken by the establishment and its BOT to recover the same from the Income Tax Department and therefore, entailing Loss to the Fund which attracts violation of the Condition No-6 and 28 under Para 27AA of the EPF Scheme, 1952.

Whereas, the Audit of the Fund has been kept pending since 2012-13 which is in violation of the condition No. 24(b) under Para 27AA of the EPF Scheme, 1952.

Whereas, securities are not kept in DEMAT from which is violation of the condition No-18 under Para-27AA of the EPF Scheme, 1952. And no statutory return (monthly/annually) was submitted by the establishment for the year 2015-16 which is in violation of the Condition No.16 under Para 27AA of the EPF Scheme, 1952.

Whereas, the establishment has reported losses for the three consecutive financial years entailing violation of the Condition No.25 Under Para 27AA of the EPF Scheme, 1952. Available records reveal that the establishment had not followed the pattern of investment as per Government direction. As per provision in the Act/Scheme, the fund of an exempted establishment cannot be taken over without cancellation of exemption. The fund can be taken over if the establishment applies for surrender of exemption As per Compliance Audit Report for the year 2017-18, the establishment has not issued, the annual statement of accounts or pass books to every employee with in six months of the close of Financial/Accounting year free of cost once in the year. Audit has not done after 2012-13 (As per Compliance Audit Report for the Year 2017-18). BOT Audit has not done after 2012-13 (As per Compliance Audit report for the Year 2017-18). No activities done by the BOT (As per Compliance Audit Report for the year 2017-18). No statutory return (monthly/annually) was submitted by the establishment. The Trust Account has not been audited after 2012-13(as per Compliance Audit Report for the year 2017-18).

Whereas, during the course of compliance inspection violation conditions No.25 were noticed as enunciated in to Para-27AA of the EPF Scheme, 1952, Show Cause Notice were issued by the office of RPFC vide letter dated 05/03/2007. The establishment replied to the notice but failed substantiate the reasons for non-compliance.. Accordingly, Regional Provident Fund Commissioner/OIC, Kolkata proposed for cancellation of exemption.

Whereas, the proposal for cancellation of Exemption was placed before Exempted Establishment Committee of the Central Board and the Board has recommended the proposal against the said establishment.

Whereas, the said establishment suffered continuous losses form 2007-2008 to 2017-2018 and also from 2019-20 to 2021-22. It is found that the establishment incurred losses for all consecutive years 2007-08 to 2017-2018. As per Auditors remark the establishment incurred losses since its inception. As such, the condition No. 25 to para 27AA of the EPF Scheme, 1952 is squarely applicable to this case and the company's exemption was liable to be withdrawn with effect from 01/04/2012 as inferred by Zonal Office.

Therefore, after considering the proposal of EPFO authority and the correspondences, documents it may be deduced that the Cancellation of Exemption of M/s Bird Jute & Exports Limited, (WB/CAL/14) seems to stand solid and valid.

Now, the Governor is hereby pleased to cancel formally the granted Exemption in favour of M/s Bird Jute & Exports Limited against P.F. code No. WB/CAL/14, vide Notification No.425 LW/LW/1A-41/59 dated 21/01/1960 as per section 17(4) of the Employees' Provident Fund and Miscellaneous Act, 1952 and as per 27A of the Employees Provident Fund Scheme, 1952 from the date of issuance of this notification.

By order of the Governor,

AVANINDRA SINGH, IAS
Secretary to the Government of West Bengal